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Before the
Federal Communications Commission
Washington, D.C. 20554

PRocket No. 92-154

In the Matter of

Amendment of the Amateur Service
Rules to Include Novice Class
Operator License Examinations
in the Volunteer-Examiner
Coordinator Examination System.

REPORT AND ORDER

Adopted: May 3, 1993;

Released: May 14, 1993

By the Commission:

I. INTRODUCTION

1. On July 13, 1992, we adopted a *Notice of Proposed Rule Making* (Notice)¹ in the above-captioned proceeding. In the *Notice*, we proposed to amend the amateur service rules to place the responsibility for the preparation and administration of entry-level Novice Class operator license examinations under the volunteer-examiner coordinator (VEC) system. This *Report and Order* adopts the rules substantially as proposed.

2. Currently, each examination for an amateur operator license, except the Novice license,² is administered at a session coordinated by one of the eighteen VECs. Under this system, the examination is administered by three volunteer examiners (VE) accredited by the VEC. An examination for a Novice license, however, is administered at an *ad hoc* session by two licensees selected by the examinee. In the interest of integrity, simplification, and efficiency, we proposed to place the responsibility for the preparation and administration of Novice license examinations in the VEC system.

¹ 7 FCC Rcd 4608 (1992).

² The five classes of amateur operator licenses in descending order are Amateur Extra, Advanced, General, Technician, and Novice. The Amateur Extra Class operator license is the highest class license conveying the most operating privileges while the Novice Class operator license is the lowest class license with the least operating privileges.

³ The W5YI-VEC and the VEC organization of The American Radio Relay League, Inc. coordinated almost 80 percent of the examinations administered in the VEC system in 1992.

⁴ Comments of W5YI-VEC at 2 and 3.

⁵ The ARRL/VEC is a branch of the American Radio Relay League, Inc. It is separate from other ARRL activities.

⁶ ARRL Petition for Rule Making, incorporated by reference into its Comments, at p. 8.

⁷ The late-filed reply comments of W. Hugh Toole and the Artic Amateur Radio Club, Inc. (AARC) are being considered as permissible *ex parte* presentations. See Section 1.1202(b)(2) of

II. COMMENTS

3. The two most active VECs support our proposal.³ The W5YI-VEC states that it is time to abolish the separate Novice examination system and incorporate it into the VEC System. It is convinced that the use of accredited VEs in the VEC system would improve the integrity of the Novice examination process and minimize irregularities.⁴ The American Radio Relay League, Inc. (ARRL)⁵ sees advantages that would flow from including Novice Class examinations in the VEC system. It believes that the application error rate would decrease and that more efficiency would result because the Commission would have to interact administratively with only a few VECs, rather than deal with thousands of examiners who are not accredited or coordinated by a VEC.⁶

4. Two ancillary matters are raised in the comments and reply comments filed in this proceeding.⁷ The first matter is whether VECs and VEs may accept reimbursement for their out-of-pocket expenses incurred while administering Novice license examinations. Second, some commenters believe that the VEC system could pose an examination hardship in sparsely-populated areas and that General Class licensees should be allowed to administer the Technician as well as the Novice license examinations.⁸ These matters are discussed below in greater detail.

5. Our proposal permitting VEs and VECs to recover out-of-pocket costs incurred in preparing, processing, administering or coordinating Novice examinations drew mixed responses. Some commenters oppose any reimbursement fee for a Novice license examination,⁹ while one commenter suggests that Novice examinees under 18 years of age not be subject to the reimbursement provision.¹⁰ Other commenters, however, favor allowing the administering VEs to recover their out-of-pocket costs from Novice license examinees.¹¹ Although ARRL states that it takes no position on this matter, it does request that the Commission clarify whether a VEC could waive reimbursement from an entire class of examinees for a year, provided it does so for all examinees for a particular class of license in all areas where it administers examinations.¹²

6. Several commenters favor¹³ allowing General Class licensees to administer examinations for Technician licenses as well as examinations for Novice licenses. One commenter points out that allowing General Class licensees to administer Technician license examinations is in accordance with our statutory authority concerning the duties of VEs.¹⁴ Another commenter, however, opposes the use of

the Commission's Rules, 47 C.F.R. § 1.1202(b)(2).

⁸ The Novice Class and the Technician Class operator licenses are entry-level licenses. They both require the passing of the 30 question written examination element 2. The Novice Class operator license is for persons who cannot also pass the 25 question written element 3(A), but who can pass the slow speed telegraphy examination element 1(A).

⁹ Comments of Richard E. Humston at 1, Robert May II at 1 and 2, William L. Enter, Sr. at 1, and Steven L. Karty at 1.

¹⁰ Comments of Dennis G. Eksten at 1.

¹¹ Comments of Gordon Girton at 2, and W5YI-VEC at 3. The W5YI-VEC stated that while it supported a reimbursement fee for Novice examinations, such a fee should not necessarily be required.

¹² Comments of ARRL at 3.

¹³ Comments of W5YI-VEC at 4 and 5, Ray Adams at 6, Gordon Girton at 1, and Jim Rinehart at 1.

¹⁴ Comments of W5YI-VEC at 4.

General Class licensees in the VEC system on the ground that the current practice of using only VEs who hold Amateur Extra and Advanced Class licenses should not be disturbed.¹⁵

7. Another matter raised by the commenters concerning administration of Novice Class operator license examinations in the VEC system is the hardship that could be caused to examinees in remote areas, because an additional VE would be required.¹⁶ One commenter, moreover, suggests that only one VE be required for a Novice examination administered in Alaska because of the absence of highways, the rugged terrain, and the fact that air travel must be relied on.¹⁷ The ARRL states that no matter how many examination opportunities are available, there will always be some type of hardship for those in a rural environment. It notes that difficulties of arranging an examination session administered by three VEs, rather than two, in Alaska should not influence a decision on whether Novice examinations should be brought within the VEC system. Further, it states that a significant effort would be made by its VEC organization to ensure that there are expanded examination opportunities for persons in all rural areas.¹⁸

III. DISCUSSION

Novice Class operator license examinations in the VEC system

8. There is convincing support for placing the Novice Class Operator license examinations in the VEC system. The examination elements required for the Novice license are already being administered in the VEC system because they are also requirements for other classes of amateur operator licenses. With the advent of the codeless Technician Class, however, there has been a marked decline in interest for new Novice licenses.¹⁹ To help standardize and simplify the license qualification process, we are amending the rules to place the Novice license examinations in the VEC system. Administering all amateur operator license examinations under the superior VEC system will avoid the confusion that now exists because two different systems are used. The VEC system, furthermore, is much more efficient than the Novice system. The oversight provided by the VECs results in far fewer administration discrepancies and application errors than the Novice system.²⁰ The data kept by the VECs provide a timely overview of the examination process and a means to gauge the effectiveness of the examination system. Additionally, by eliminating the

separate certifications by examiners administering Novice license examinations under the *ad hoc* system, the license application Form 610 can be streamlined.

VE and VEC Reimbursement

9. The VEs and VECs donate their time and talent in preparing, administering, and coordinating examinations. There is no valid reason to require them, in addition, to absorb the costs of providing these valuable benefits to the examinees. They are permitted to accept reimbursement only for their actual out-of-pocket costs and must certify annually to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred.²¹ The maximum allowable reimbursement fee assures that they perform their duties without incurring any unnecessary expenses.²² This fee, moreover, has not hampered the growth of the other license classes, for which reimbursement is permitted. We do not believe that such a modest fee will be a significant disincentive to obtaining a Novice Class license.

10. In response to the question posed by the ARRL regarding waiver of the fee, there are two methods the VEs and VECs use for determining the actual reimbursement fee.²³ Under the examination-by-examination method, they simply recover their actual out-of-pocket costs for coordinating, preparing, and administering each particular examination. Under the annual method, during the calendar year they charge every examinee the same fee based upon their forecasts of expenses, adjusted by any shortage or surplus from the previous year. The examination-by-examination method allows the VEs and the VECs the option of not recovering out-of-pocket costs from any particular examinee. The annual method does not allow such an option. VEs and VECs, therefore, when using the examination-by-examination method, can elect not to recover their out-of-pocket costs when administering or coordinating any examination, but cannot charge a fee exceeding their out-of-pocket costs for some examinations to offset a lower fee, or no fee, for other examinations.

Administering examinations in remote areas

11. Sparsely-populated areas, by their nature, often involve some higher degree of inconvenience in matters requiring human assistance than do other locales. The presence of three administering VEs at each examination session, however, is the cornerstone of the VEC system. They provide for cross-checking of answers to examination questions to make certain that they are correct, for assuring proper completion of the license application form, and for minimizing the likelihood of fraud or abuse.²⁴ Rather than reducing the number of administering VEs to two, we

¹⁵ Comments of Joe P. McDonald at 1.

¹⁶ Comments of Roger Hansen at 1 and 2, Harvey Rookus at 1, Robert C. Wilson at 1, Robert O. Baker, Sr. at 1, and Robert O. Baker, Jr. at 1.

¹⁷ Comments of William J. Raynsford at 2.

¹⁸ Reply comments of the ARRL at 4 and 5.

¹⁹ In calendar year 1992, for example, there were only 10,704 Novice Class operator licenses issued. For the same period in 1990, the last full year preceding the introduction of the codeless Technician Class operator license, there were 24,398 Novice Class operator licenses issued.

²⁰ In calendar year 1991, the number of errors on application forms filed through the VEC system was a very low 0.8 percent. For the same period, the number of errors on Novice applica-

tions was 9.4%.

²¹ See Section 4(f)(4)(J) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(f)(4)(J). See also *Report and Order* in PR Docket No. 84-265, adopted July 12, 1984, 56 RR 2nd 662 (1984).

²² Public Notice, Released October 30, 1992, 7 FCC Rcd 6878 (1992). For 1993, the maximum allowable fee is \$5.60.

²³ See 3.6.2.1 and 3.6.2.2, Instructions for Volunteer-Examiner Coordinators, Revision D, December 3, 1992, published by the VECs. The custodian is R.C. Smith, Greater Los Angeles Amateur Radio Group VEC.

²⁴ *Report and Order* in PR Docket No. 83-27, adopted September 22, 1983, 54 RR 2d 1068 (1983).

believe a better approach would be to authorize General Class licensees to also administer the Technician examinations, as suggested in the comments, in addition to continuing to administer the Novice examinations. This will provide a pool of almost 300,000 possible VEs²⁵ to administer examinations for the two classes of license for which the most VEs are required²⁶ thereby making it easier to offer examinations in less populated areas. For these reasons, the rules that we adopt herein specify that General Class licensees may administer examinations to Technician Class as well as to Novice Class examinees.

12. While VEs administer examinations everywhere in the United States and also internationally, Alaska is one of only 14 states where the headquarters of a VEC is located.²⁷ The Anchorage Amateur Radio Club coordinates examination sessions on a regular basis at many locations in Alaska.²⁸ It also provides for sessions at other locations occasionally.²⁹ It was, in fact, the first VEC to be authorized anywhere.³⁰ The ARRL/VEC, furthermore, intends to expand examination opportunities in Alaska. The number of examination opportunities everywhere, moreover, will grow as a result of our decision allowing General Class operator licensees to administer both Technician and Novice operator license examinations, and permitting VECs and VEs to be reimbursed for their out-of-pocket expenses when coordinating and administering Novice examinations.³¹ We believe that amateur operator license examinees will continue to be well served by the VECs and their accredited VEs.

IV. CONCLUSION

13. In summary, we have decided to amend the amateur service rules to place the responsibility for the preparation and administration of Novice Class operator license examinations under the VEC system and to allow recovery of out-of-pocket costs for coordinating and administering such examinations. We, therefore, adopt the proposed rules in this proceeding and also include authorization for General Class licensees to administer Technician Class license examinations.

V. ORDERING CLAUSES

14. Accordingly, IT IS ORDERED that effective July 1, 1993, Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED as set forth below. Authority for this action is found in Sections 4(f)(4)(A), (B), and (J), 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(f)(4)(A), (B), and (J), 154(i), and 303(r).

²⁵ As of January 26, 1993, there were 125,568 General, 110,089 Advanced, and 61,615 Amateur Extra Class licensees.

²⁶ In 1992, there were issued 10,704 Novice Class operator licenses and 41,703 Technician Class operator licenses. The latter included 33,372 new Technician licenses and 8,331 Technician licenses obtained by Novice licensees.

²⁷ The other states are Alabama, Connecticut, California, North Carolina, Illinois, Louisiana, Hawaii, Maryland, Wisconsin, West Virginia, Missouri, Tennessee, and Texas.

²⁸ In 1992, there were 1,084 elements administered to 638 examinees in Alaska. The examination sessions were coordinated by the Anchorage Amateur Radio Club, the ARRL/VEC, and the W5YI-VEC.

15. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy

Donna R. Searcy
Secretary

APPENDIX

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 97 - Amateur radio service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. §§ 151-155, 301, 609, unless otherwise noted.

2. Section 97.507(c) is revised, paragraph (d) is removed, and paragraph (e) is redesignated as paragraph (d) to read as follows:

§ 97.507 Preparing an examination.

(c) Each telegraphy message and each written question set administered to an examinee for an amateur operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC.

3. Section 97.511 is revised in its entirety to read as follows:

§ 97.511 Amateur operator license examination.

(a) Each session where an examination for an amateur operator license is administered must be coordinated by a VEC. Each administering VE must be accredited by the coordinating VEC.

(b) Each examination must be administered by 3 VEs, each of whom must hold an FCC-issued amateur operator license of the class specified below:

²⁹ Comments of Anchorage Amateur Radio Club, Inc./VEC at 1 and 2. Last year in Alaska, 188 persons qualified for Technician licenses under the VEC system compared to only 63 persons who qualified for Novice licenses under the *ad hoc* system.

³⁰ The Anchorage Amateur Radio Club was designated a VEC on February 27, 1984.

³¹ As of January 26, 1993, 521 Advanced, and 293 Amateur Extra Class licensees in Alaska were eligible to be accredited to administer operator license examinations. With these rule amendments, 632 General Class licensees in Alaska could also be accredited to administer operator license examinations in the VEC system.

(1) For a Novice or Technician Class operator license examination, the administering VEs must hold Amateur Extra, Advanced, or General Class operator licenses; and

(2) For a General, Advanced, or Amateur Extra Class operator license examination, the administering VEs must hold Amateur Extra Class operator licenses.

(c) The administering VEs must make a public announcement before administering an examination for an amateur operator license. The number of candidates at any examination may be limited.

(d) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(e) Within 10 days of the administration of a successful examination for an amateur operator license, the administering VEs must submit the application to the coordinating VEC. If telegraphy element credit is claimed under Section 97.505(a)(5), the physician's certification and the patient's release on the license application, Form 610, must be completed.

4. Section 97.513 is removed and reserved.

5. Section 97.521(c) is revised to read as follows:

§ 97.521 VEC qualifications.

* * * * *

(c) Agree to coordinate examinations for any class of amateur operator license;

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6. Section 97.527 is amended by revising paragraph (a), by removing paragraph (c), and by redesignating paragraphs (d) through (g) as paragraphs (c) through (f) to read as follows:

§ 97.527 Reimbursement for expenses.

(a) VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating an examination for an amateur operator license.

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